

**REMARKS**

The Office Action mailed September 8, 2004, has been reviewed, and the Examiner's comments have been carefully considered. Claims 1-3, 5, 7, 8, and 11 have been amended. Claim 9 has been canceled. Claims 1-8 and 10-14 are pending and are submitted for reconsideration.

35 U.S.C. §§ 102 and 103 Rejections

Claims 1 and 8 are rejected under 35 U.S.C. § 102(b) as anticipated by U.S. Patent No. 5,829,872 (Schaper). Claims 1 and 8 are rejected under 35 U.S.C. § 102(b) as anticipated by U.S. Patent No. 5,464,246 (Castro). Claims 2, 9-11, and 14 are rejected under 35 U.S.C. § 103(a) as unpatentable over Schaper in view of U.S. Patent No. 6,050,635 (Pajon). Claims 2, 9-11, and 14 are rejected under 35 U.S.C. § 103(a) as unpatentable over Castro in view of Pajon. Claims 9-13 are rejected under 35 U.S.C. § 103(a) as unpatentable over Schaper in view of U.S. Patent No. 5,782,492 (Ojima). Claims 9-13 are rejected under 35 U.S.C. § 103(a) as unpatentable over Castro in view of Ojima. The rejections should be withdrawn for at least the following reasons.

Claims 1 and 8

The rejection of claims 1 and 8 as anticipated by Schaper or Castro should be withdrawn because the cited references do not disclose all the features of the claimed invention. For example, neither Schaper nor Castro discloses "a plate configured to rotate about a fixed shaft" as recited in claim 1 or an air belt "configured to pretension a seat belt when the air belt is inflated" as recited in claim 8. In contrast, Schaper discloses a hose 13 having one end attached to an attachment element 16 located at a forward portion of a seat 11 and another end attached to an attachment element 18 located at an upper portion of a backrest 12. (Schaper at col. 4, lines 8-12.) As shown in Fig. 1, the hose 13 deploys from the seat when inflated to provide side protection to a passenger. (Schaper at col. 3, lines 51-62.) Similarly, as shown in Fig. 2a, Castro discloses a braided tube 131 having one end connected to an upper portion of a side edge of a seat back 135 and another end connected to a frontal portion of a side edge of a seat pan 137. (Castro at col. 5, lines 34-42.) As shown in Fig. 2c, the braided tube 131 deploys from the seat when inflated to "cushion the torso from direct

impact with the interior side components of a vehicle and restrict the lateral motion of the torso.” (Castro at col. 6, lines 27-34.)

Nothing in Schaper or Castro, however, discloses, teaches, or suggests that the hose 13 of Schaper or the braided tube 131 of Castro is configured to pretension a seat belt as called for in claim 8. Similarly, Schaper and Castro do not disclose a plate configured to rotate about a fixed shaft as called for in claim 1. As a result, Schaper and Castro do not disclose all the features of the claimed invention. Reconsideration and withdrawal of the rejections of claims 1 and 8 under 35 U.S.C. § 102(b) as anticipated by Schaper or Castro are respectfully requested.

#### Claim 2

The deficiencies of Shaper and Castro discussed above in connection with claim 1 are not cured by either Pajon or Ojima. For example, although Pajon discloses an anti-submarining cross member 5, the cross member 5 does not rotate about a fixed shaft. In contrast, the cross member 5 includes cylindrical journals 51 that extend from the ends of the cross member 5 and that are supported in grooves 31 located in side flanges 30 of a seat pan framework. (Pajon at col. 4, lines 15-20.) As shown in Figs. 2-4, the journals 51 “slide in grooves 31” to enable the cross member 5 to move “upwards and towards the rear of the seat, along trajectory F1” and to be “gradually retracted inside the seat, along trajectory F2.” (Pajon at col. 4, lines 21-26, 40-45, 54-58.) Thus, the journals 51 are not fixed as called for in claim 1. For at least this reason, claim 1 is patentable over Schaper, Castro, and Pajon (alone or in combination).

Claim 2 depends from claim 1 and is patentable therewith for at least the reasons set forth above without regard to further patentable subject matter contained therein. Reconsideration and withdrawal of the rejection of claim 2 under 35 U.S.C. § 103 as unpatentable over Schaper or Castro in view of Pajon are respectfully requested.

#### Claims 10-14

The deficiencies of Shaper and Castro discussed above in connection with claim 8 are not cured by either Pajon or Ojima. For example, Ojima merely discloses a seat belt tightening device 10 that can be moved from a normal position (shown in Fig. 1) to a tightened position (shown in Fig. 6) to tighten a seat belt. (Ojima at col. 2, lines 52-64; col. 5, line 66 to col. 6, line 4.) Similarly, Pajon discloses a pyrotechnic belt pretensioner 6 that

“enables a high tensile force to be exerted on a seat belt attachment 8, so as to take up the clearance existing between the belt and the seat passenger during a shock.” (Pajon at col. 4, lines 30-36.) As shown in Fig. 1, the pretensioner 6 of Pajon is also connected to the journals 51 of the cross member 5 by a cable 7 and functions to move the cross member 5. (Pajon at col. 4, lines 40-43; col. 5, lines 43-44.) Nothing in Ojima or Pajon, however, teaches or suggests an air belt that “is configured to pretension a seat belt when the air belt is inflated” as called for in claim 8. For at least this reason, claim 8 is patentable over Schaper, Castro, Pajon, and Ojima (alone or in combination).

Claims 10-14 depend from claim 8 and are patentable therewith for at least the reasons set forth above without regard to further patentable subject matter contained therein. Reconsideration and withdrawal of the rejection of claims 10-14 under 35 U.S.C. § 103 as unpatentable over Schaper or Castro in view of Pajon or Ojima are respectfully requested.

#### Allowable Subject Matter

Applicants appreciate the Examiner’s indication that claims 3-7 contain allowable subject matter. Claims 3 and 7 have been rewritten in independent form including the subject matter of the base claim and any intervening claims. Claims 4-6 depend from claim 3 and are allowable therewith without regard to further patentable subject matter contained therein. Reconsideration and withdrawal of the objection to claims 3-7 are respectfully requested.

#### Conclusion

In view of the foregoing amendments and remarks, Applicants believe the application is now in condition for allowance. Favorable reconsideration of the application is respectfully requested. If there are any questions regarding the prosecution of this application, the Examiner is invited to contact the undersigned attorney at the phone number listed below.

Respectfully submitted,

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